

Remarks/Arguments

Claims 1-35 are pending in this application. Claim 26 has been amended herein at the suggestion of the Examiner. Applicants wish to thank the Examiner for a relatively detailed Advisory Action.

Applicants would initially like to acknowledge with appreciation the helpful and constructive interview granted to the undersigned by Examiner Kazimi on August 12, 2009. As discussed during the interview, Applicants discussed the Section 101 rejection of independent claim 1 in view of the Amendments and Remarks set forth herein, which Applicants consider to be a summary of the matters discussed during the interview as required by 37 CFR § 1.133(b).

The Examiner has rejected claims 1-11 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. As discussed and agreed to during the Examiner interview, Applicants have amended claim 1 to recite a computer is used in the matching recitation of claim 1. As such, claim 1, and the claims dependent therefrom, are directed to patentable subject matter and withdrawal of the Section 101 rejection of claims 1-11 is respectfully requested.

The Examiner has rejected claims 1-35 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,376,587 to Neofytides et al. ("Neofytides"). A claim is anticipated only if each and every element as set forth in the claim is found in the reference. M.P.E.P. 2131. All of Applicants' claims, as amended herein, recite elements not fairly taught or disclosed in Neofytides.

For example, independent claims 1, 11, 21 and 26 recite that at least one specific request from among the account-holder requests authorizes a specific third party participant to perform a plurality of recurring third-party transactions on behalf of the account holder. Applicants can find no such teaching in the cited portions of Neofytides, but rather a discussion of a one-time transfer of money from one person to another person. In the Office Action, the Examiner cited column 1, line 57-column 2, line 2 of Neofytides for teaching the above limitation of the independent claims. Column 2, lines 1-2 of Neofytides recites "... an individual may use the payment enabler to schedule future or recurring transactions." Accordingly, Neofytides only discloses that an account holder may schedule recurring transactions to be performed by his bank to a third party. However, Neofytides does not teach or suggest that the account-holder

authorizes a *specific third party participant* to perform a plurality of *recurring* third-party transactions on behalf of the account holder.

Also, each of Applicants' independent claims recites "receiving, at the financial institution" The Examiner stated that Neofytides inherently discloses a financial institution because Neofytides mentions a bank account. Nonetheless, Neofytides only relates to a single transaction performed *by the account holder* and does not inherently disclose that a financial institution forwards a request *to a specific third party* to authorize *multiple recurring third-party transactions performed by the specific third party* on behalf of the account holder. The banks that are associated with the bank accounts in Neofytides only receive a request from the account holder to transfer money to another party via a single transaction. There is no disclosure in Neofytides of multiple third party transactions by a third party on behalf of the account holder or a request to authorize such third party transactions, where the third party is an entity other than the account-holder or the financial institution. Such limitation is not taught or suggested in Neofytides. For a proper rejection under Section 102, the Examiner must demonstrate that the identical invention is "shown in as complete detail as contained in the....claim," and that the elements are "arranged as required by the claim...." M.P.E.P. § 2131. Such burden has simply not been met.

Further, claim 1 recites "receiving, at the financial institution, the account-holder requests to authorize the plurality of third-party transactions." In rejecting this recitation, the Examiner cited column 5, line 38-column 6, line 9 and stated "which discusses how a payor initiates debiting his/her bank account in an electronic monetary transaction." However, nowhere does Neofytides disclose receiving a request to authorize recurring third-party transactions, where the third-party is an entity other than the financial institution or the account-holder. There is certainly no disclosure that a financial institution receives such request to authorize a third party (other than the financial institution) to perform transactions.

Claim 1 further recites "matching at least one specific request from among the account-holder requests to at least one specific third-party participant." In rejecting this recitation, the Examiner cited column 11, lines 62 - column 12, line 8 of Neofytides, which recites:

"In step 670, the payment enabler 170 poses the security question to the payee 130 and receives a response from the payee. In step 680, the payment enabler 170 determines if the response matches the expected

answer to the security question that was entered by the payor 110 in step 640.”

Accordingly, Neofytides only discloses posing a security question to the payee and receiving a response thereto. This response is not an account-holder request, much less an account-holder request to authorize third-party transactions.

Claim 1 further recites “forwarding the at least one specific request to the at least one specific third-party participant on behalf of the account holder.” In rejecting this claim recitation, the Examiner cited column 11, lines 48-56 of Neofytides and stated “which discusses sending a payee an email to confirm payment from a payor.” However, the “email” that was sent from the payee to the payor in Neofytides is not a “request,” much less the “at least one specific request” to “authorize recurring third party transactions,” as recited in claim 1. Further, the “email” is not sent “on behalf of the account-holder” nor to “the at least one specific third-party participant.”

Claim 1 yet further recites “receiving, at the financial institution, at least one participant confirmation from the at least one specific third-party participant.” In rejecting this claim recitation, the Examiner cited column 11, line 48 – column 12, line 8 of Neofytides and the Office Action stated “which discusses how a payee confirms approval of an electronic money transfer.” However, there is no discussion of receiving any confirmation in this cited portion of Neofytides. There is nothing received “at the financial institution.”

Additionally, Neofytides does not disclose receiving “a confirmation that the at least one specific third-party participant’s accounting system has been updated based on the at least one specific request,” as recited in claim 1. This is because Neofytides only deals with a one-time transfer of money from one person to another and not a plurality of recurring *third-party* transactions. In the Office Action, the Examiner cited column 13, lines 4-13 and column 14, lines 20-27 as allegedly teaching this limitation of claim 1. However, Neofytides does not disclose a third party updating an accounting system. In fact, there is no mention whatsoever in Neofytides of any accounting system. Further, there is certainly no disclosure in Neofytides of a *confirmation* that the accounting system has been updated. In the previous Advisory Action, the Examiner cited column 9, line 52 – column 10, line 49 of Neofytides. However, this portion of Neofytides only relates to a user updating an address book. There is no disclosure of “at least one

specific third-party participant's accounting system" being updated. An address book cannot be reasonably interpreted as an accounting system. Additionally, updating the address book is done by the account holder and not by a third party. There is no confirmation discussed in Neofytides at all and there is certainly no disclosure in Neofytides of a confirmation based on at least one request by a third party to perform recurring transactions. Accordingly, claim 1 is submitted to be patentably distinct over Neofytides.

For at least the above-identified reasons, all of the independent claims (i.e., claims 1, 11, 21, and 26) are patentable over Neofytides and reconsideration and withdrawal of the Section 102 rejection of such claims is requested.

Based on the above arguments, Applicants submit that, since all of the independent claims rejected under section 102 are patentable, all of the dependent claims are also patentable for at least the same reasons. However, Applicants would like to specifically comment on claim 6, where the Examiner points to col. 4, lines 1-10 of Neofytides as teaching "how a user directs a money transfer request to another individual or entity." Claim 6, as amended recites "the account-holder requests comprise at least one direct-deposit request to authorize the at least one specific third-party participant to periodically direct deposit funds to the account." Applicants can find no such teaching in the cited portions of Neofytides, but rather a discussion of a one-time transfer of money from one person to another person. In the Non-Final Office Action, the Examiner cited column 1, line 57 to column 2, line 2 of Neofytides, which states that an account holder may schedule future or recurring transactions. However, there is no mention of authorizing a third-party participant (and not the account holder or the financial institution) to periodically direct deposit funds to the account. Neofytides clearly does not teach "at least one direct-deposit request to authorize the at least one specific third-party participant to periodically direct deposit funds to the account," as recited in claim 6. As such, Applicant's request reconsideration and withdrawal of the section 102 rejection of claim 6 as well as the rejections of all other dependent claims.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

Date: 8/26/09

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Brian Drozd', is written over a horizontal line.

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